

SOLIDARITY CENTER TRADE UNION CAPACITY BUILDING PROGRAM:  
EMPOWERING WORKERS, STRENGTHENING WORKER ORGANIZATIONS, AND  
IMPROVING LABOR RIGHTS ENFORCEMENT IN PERU

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FINAL REPORT

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## I. INTRODUCTION

This is the Solidarity Center's (SC) final report for the project "Empowering Workers, Strengthening Worker Organizations, and Improving Labor Rights Enforcement in Peru" conducted during the period February 2010 through March 2013. The report uses the SC Peru monitoring and evaluation (M&E) strategy contained in the Performance Monitoring Plan approved by USAID/Peru as a key point of reference. Using the results framework, the final report presents both numerical and narrative descriptions of results per program component, specifically: 1) Fundamental Labor Rights Training for Vulnerable Workers; 2) Union Strengthening; and 3) Effective Union Participation in Democratic Policy-making and Labor Rights Enforcement.

The final report is organized into three main sections: 1) overview of project progress toward objectives; 2) impact assessment; and 3) analysis of project design, lessons learned and recommendations for future labor capacity building projects. The PMP data collection system that includes all project data and statistical summaries of the results is attached as an annex.

### 1. OVERVIEW OF PROGRESS TOWARD OBJECTIVES

SC activities and interventions resulted in progress toward the project's general objective, as well as concrete advances toward the Intermediate Results, listed below.

**General Objective: Increase the active and constructive participation of unions with state and tripartite institutions and at the international level on topics of strategic importance to vulnerable workers.**

Over the course of the project, the SC supported increased participation of vulnerable workers in the following areas:

**Impact Indicator 1:** The percentage of vulnerable workers affiliated to unions increased, with the exception of young workers, as seen in the chart below. The increases in women and precarious worker affiliation were important developments for trade union partners. The one percent decrease in young worker participation registered by the project was largely a result of imperfect reporting by union partners, and the challenge of acquiring the same data every year from the same partners.

	Baseline	FY 2013
Women	9%	12%
Precarious	50%	55%
Youth	33%	32%

**Impact Indicator 2:** In a total of 16 economic sectors, workers have maintained or increased the number of unions, with a total of 17 new labor unions formed. In 2011, workers created six new unions; in 2012, workers created eight new unions; and in 2013, workers created three new unions.

**Impact Indicator 3:** Unions have submitted 32 reports of non-compliance with labor rights using national and international mechanisms, including the International Labor Organization, the International Finance Corporation, corporate codes of conduct, the National Labor Council, and the Regional Labor Councils, regarding: compensation and social benefits; health and safety; forced labor; trade union rights; and forms of contracting.

**Impact Indicator 4:** The Government of Peru has passed 70 laws, regulations and new policies that strengthen worker rights, in support of compliance with trade and investment agreements.

**Impact Indicator 5:** Unions have presented 48 proposals to strengthen the labor law framework, improve labor relations and promote social dialogue for increased labor rights compliance.

### **Component 1: Training of Vulnerable Workers in Economic Literacy and Fundamental Labor Rights**

**Intermediate Result 1: Improve vulnerable workers' understanding about their role in the economy, their fundamental worker rights, and their ability to exercise these rights at the workplace.**

**Result Indicator 1.1. and 1.2** During the course of the program, the SC provided training and technical assistance to 3,838 workers through 153 activities.<sup>1</sup>

**General:** The SC developed a seven-session training module on fundamental labor rights and trained 26 worker promoters who successfully conducted economic literacy workshops with their colleagues and community members on the use of this module.

Worker promoters then conducted economic literacy trainings with union members, families and community members in Piura, San Martin and Pucallpa, reaching a total of 131 new workers and community members. This strategy allowed union promoters to build common bonds with their communities, to establish a basis for working together on other community issues and thus, to begin the process of changing the stereotypical perception of unions within communities.

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<sup>1</sup> For a presentation of total workers trained disaggregated by gender, sector and training topic, please see the annexed Excel data collection system, Tab 1.1.

**Transportation/Motor Taxi Sector:** A program participant who was trained in economic literacy and fundamental worker rights in Pucallpa used training methods with motor taxi workers in Ica, leading to the formation a new union motor taxi drivers. When Guillermo Angulo moved to Ica he found nearly 10,000 motor taxi drivers worked under the daily risk of police harassment and municipal ordinances that did not respect or recognize the value they added to the community. He began to educate the motor taxi drivers of their labor rights and the possibility of changing municipal ordinances to protect their right to work, and the bargaining strength gained through forming their own union, the Huarango Motor Taxi Driver Union of Ica (Sindicato de Mototaxistas de Ica-El Huarango – SIMEHICA). The union has grown to 400 workers who are in the process of establishing a relationship with municipal authorities. The long-term goal of the union is to provide healthcare for themselves and their families. Guillermo Angulo is now general secretary of the Ica motor taxi union, and is working with Solidarity Center staff to find a healthcare plan that will be affordable for union members.

**Wood Industry:** The SC conducted economic literacy and fundamental rights training in Pucallpa, where wood workers specifically highlighted a need for labor rights education for their members. This education process, and the empowerment of labor leaders and members, enabled worker promoters to address economic precariousness and anti-union behavior by the employer via collective bargaining and dialogue with regional authorities, and combat corrupt practices within the union. This is significant given the geographic isolation of these workers and the relatively low level of institutional development of wood sector unions.

## **Component 2: Union Organizational Capacity Building**

**Intermediate Result 2: Develop the capacity of Peruvian unions, federations and confederations to analyze the labor situation and propose improvements in the protection of labor rights of the most vulnerable workers.**

**Result Indicator 2.1:** During the course of the project, 105 “Labor Rights Documentation Forms” were completed and updated by unions from 14 economic sectors.

The SC, in collaboration with Peruvian NGO Programa Laboral de Desarrollo (PLADES), designed a form to document labor rights violations, which was reviewed and adapted by Peruvian labor inspectors, the ILO, and union lawyers involved in the day-to-day process of labor rights defense. The form was used by unions with the help of SC-supported paralegals, documenting all of the labor rights defense steps taken. In

the first phase, 53 individual cases were documented from a range of 14 sectors. In the final quarter of the program, textile partners used the labor rights documentation form to organize information regarding 12 new cases and related labor inspections that demonstrate the linkage between temporary contracts and violations of trade union rights in the textile sector.

The analysis of the 53 cases presented and validated by the unions is a statistical baseline for understanding labor rights violations, unions' organizational behavior in response to the violations, and the results of engaging with the rights protection system in Peru today. While by no means exhaustive, the analysis provided unions, the Ministry of Labor Affairs and Employment Promotion, the judicial branch, labor rights defenders, and other stakeholders with key findings to orient internal labor rights defense efforts, advocacy on legal reform, resource allocation, and the generation of demand for the political will needed to bring about compliance.

The process of working with unions to document, analyze, and understand their individual cases as part of a comprehensive labor rights compliance system has resulted in a commitment by 15 unions across economic sectors and labor confederations to continue to use and update labor rights cases using the new documentation tool. This is an important contribution to unions' capacity and a sustainable new set of practices to strengthen unions' accountability to their members, allowing them to be better advocates in selecting and defending strategic cases, and more constructive and concrete policy advocates. The SC incorporated a simpler version of the form in the fundamental rights training curriculum, which allows participants to document cases according to the fundamental labor right being covered in that session. Additionally, the SC will continue to promote the use of the rights documentation form in its new USDOL-supported program to be conducted from January 2013-December 2014.

With Solidarity Center staff participation and support, six Regional Labor Councils have been instituted in Loreto, Puno, San Martin, Huancavelica, Piura, Ayacucho, Puno, Ica, and Moquegua. Additionally, the Regional Labor Council in Ancash submitted and approved its operational plan in 2012. The council will address issues of child labor, informal economy, health and safety on the job and the labor issues within the fishing industry.

Over the course of the project, the SC held trainings on fundamental worker rights; international and national laws and instruments, such as the Procedural Labor Law; principles and practice of social dialogue; and methods for documenting rights violations in Arequipa, Ica, Lima, Chiclayo, Huancayo. As a result of these trainings, a number of workers and unions have made use of these instruments. Specifically, the health care

workers union of Huanuco, which represents a large number of precarious Administrative Service Contract workers, has engaged with regional labor authorities, the Ministry of Labor and Employment Promotion, the ILO and the labor justice system to address anti-union dismissals and unpaid benefits for its members. Mineworkers from the Tacna and Moquegua region have used the Procedural Labor Law in Tacna to address non-compliance with negotiated benefits for subcontracted workers. The National Federation of Textile Workers of Peru (FNTTP) has decided to make rigorous use of the Procedural Labor Law in Lima and Arequipa. To date, these efforts have resulted in the reinstatement of 25 illegally dismissed textile workers in Arequipa.

SC partners in the export-oriented agriculture industry engaged with three key employers and regional labor authorities in a tripartite social dialogue process in La Libertad. Unions used this space to present concerns regarding gender-based discrimination, and the potential for conflict reduction through collective bargaining and engagement with democratically elected unions.

SC partners from the textile sector participated actively in the newly formed National Council on Health and Safety and in the Lima Metropolitan Council on Health and Safety.

**Intermediate Result 3: Strengthen the capacity of Peruvian unions to develop and implement new strategies to represent more workers, including marginalized workers, from key sectors of the economy.**

**Result Indicator 3.1:** The project contributed to the affiliation of 608 new workers to partner unions, increasing from the baseline of 4,329 at the beginning of the project to 4,937 as of the end of the project.

**Cement/Building products:** After nearly two years of meetings and debate, the *Federacion de Trabajadores del Cemento de Peru* (Federation of Cement Workers of Peru – FETRACEPE) was established on May 10, 2012. Within its statutes, the Federation included workers who produce and use cement and cement derivatives. On October 19, 2012 the Federation's affiliates affected their new Executive Council in a democratic and transparent election.

**Public Sector:** A group of women workers employed on administrative service contracts, formed the Union of the Women's Emergency Centers (*Sindicato Unico de Trabajadores de los Centros de Emergencia de la Mujer* - SUTRACEMS), which represents the largely female workforce of the family clinics run by the Womens Affairs and Social Development Ministry. SC support assisted the CEM union to prevent a

decentralization of the management function from the Ministry of Women's Affairs to regional governments.

**Telecommunications:** As a direct result of program activities, 303 subcontracted workers were affiliated to the Union of the Telecommunications Sector (El Sindicato de Trabajadores del Sector Comunicaciones – SITENTEL), the national telecommunications union affiliated to the Unitary Confederation of Peruvian Unions (Central Unitaria de Trabajadores del Peru – CUT) confederation. Though the union has tried to affiliate subcontracted workers in the past, they had limited success because the employers refuse to negotiate collective bargaining agreements for subcontracted workers. Beginning in March, a young ex-telecommunications worker, who the SC has developed as a worker-promoter in worker rights education and union skills building in Components 1 and 2, reached out to workers in the larger coastal cities to identify their concerns, educate them on their rights, and help them form unions with their peers. Many of the workers that were involved in the outreach affiliated and jointly presented bargaining petitions to the employers addressing issues that are key to ensuring decent work conditions. Because a majority of workers presented these petitions, company management agreed to negotiate with them. These negotiations resulted in labor-management agreements on employment stability, wages, working conditions, and health and safety issues, such as access to proper protective equipment and training. Though the employer still does not recognize the SITENTEL union at the national level, and refuses to negotiate with them on behalf of subcontracted employees, workers have found that by joining together, they are able to engage the employer to address labor rights issues that improve daily work life in measurable ways.

**Agro-Industry:** In Ica in August 2011, agricultural workers formed and registered the new Regional Federation of Agro-Industry Workers of Ica (Federacion Regional de Trabajadores Agro-Industriales de Ica – FRETSAI). Similarly, farm worker unions in La Libertad formed a regional federation in 2012. Activities also supported the founding of two federations in the agriculture sector and in construction materials sector, which contributes to greater coordination among workers and union in targeted sectors. The new leaders in the agriculture federation were trained by SC staff and the leadership of the General Confederation of Workers of Peru (Central General de Trabajadores del Peru -CGTP) on their duties and responsibilities. The National Federation of Agro-Industry and Amalgamated Workers of Peru (Federacion Nacional de Trabajadores de la Agro-Industria y Afines - FENTAGRO) includes unions from the palm oil sector (field and factory workers' unions), which is important because of the high number of contracting, health and safety violations, and the presence of many migrant workers in the Santa Lucia-based plantations. With the inclusion of the palm oil workers,

FENTAGRO now represents farm workers in the north, south, central and eastern regions.

During the course of the program, nine farm worker union activists have been reinstated after winning rulings that their dismissal was illegal and/or against the best interests of the company. Three of these cases relate to individual workers, two of whom were reinstated after protracted legal processes in La Libertad in early 2013; another was achieved through social dialogue with the employer in Ica in mid-2012. In the other case, eight members of the union executive committee of an Ica-based union were reinstated after winning a legal case in September 2012.

**Food and Beverage:** Support for the development of the National Federation of Food and Beverage Workers of Peru (*Federacion Nacional de Trabajadores de Alimentos, Bebidas y Afines del Peru* - FENTAAP), which joined together seven independent unions. One year after the formation of FENTAAP, the Federation modified its statutes to include a mandate to increase the number of women in leadership positions.

**Mining:** Trainings on health and safety legislation led workplace-level unions in Cajamarca, Huancayo, and Arequipa to develop targets for inclusion of subcontracted workers in bipartite health and safety committees.

**Indicator 3.2:** Over the course of the project, unions and employers reached 51 labor-management agreements, including collective bargaining agreements. These agreements resulted in new protections for workers and benefits to employers from the following sectors on the following topics:

**Agro-industry:** Maternity leave and defined work assignments for pregnant workers, health and safety equipment; transportation, childcare, recognition of the right to strike; reinstatement of workers dismissed for union activities and employer agreement to cease anti-union harassment of employees; employer paid leave for unionists to conduct union business; union cessation of workplace actions in recognition of good faith bargaining on the part of the employer; commitment to an eight-hour day for piece workers; employer agreement to move workers with more than four years of seniority with the company onto indefinite and permanent contracts; payment increases and productivity bonuses. The SC supported farm worker unions in their collective bargaining agreements negotiated in 2012 in La Libertad and Ica. Both set new wage standards for the sector, which assisted other unions during their negotiations. Similarly, an SC partner union from the export-oriented agriculture sector negotiated new language to ensure that women workers can enjoy legally mandated work schedules that allow for breastfeeding during a certain period, as well as company-



union workplace child care (*wawa wasi*). These family-friendly negotiating advances can now be mainstreamed through the federation. This multiplier effect has also worked with landmark articles negotiated regarding temporary contracts. One of the largest export-oriented agriculture producers negotiated an agreement with the union to move workers with four years seniority or more over to permanent status. Another agriculture workers' union has incorporated similar language into its collective bargaining agreement petition, and is currently negotiating this clause with the employer.

**Food and Beverage:** Payment increases and productivity bonuses; health insurance for worker and family; union leave; recognition of multi-workplace union by the employer; recognition of union right to communicate with employees during work hours; overtime compensation. Nestle unions from Lima and Cajamarca jointly negotiated two nationwide collective bargaining agreements in 2011 and 2012, prioritizing issues identified through membership surveys, such as reforms to profit sharing calculations and providing more transparency on staffing decisions.

**Energy/Oil:** Pay and benefits increases; reduced interest loans; advance payment of profit sharing.

**Construction materials/Concrete:** Payment for increase in workday; provision of snack for working overtime; productivity incentives; provision of adequate safety equipment; transportation for sick or injured workers; medical attention in the workplace; definition of job classifications and promotion policy.

**Wood:** Employee training on personal development and health and safety; union leave; improved salary and other benefits.

**Public Sector/Health:** Adjustments to productivity bonus to make it clearer and more accessible to workers; employer agreement to comply with workplace regulations on promotions and career path development for employees; employer agreement to review contracting status of employees; improved employee health care.

**Textiles/Apparel:** Jointly defined job descriptions; productivity bonuses; employer commitment to health and safety committee; employer-provided health exams; employer commitment to move temporarily contracted employees to permanent/indefinite contracts.

**Mining:** Pay increases and recognition of overtime pay above and beyond the law; union leave; monthly labor-management meetings. Through technical support provided by the SC and the National Federation of Metal, Mining and Steel Workers of Peru

(Federacion Nacional de Trabajadores Metalurgicos Mineros y Siderugicos del Peru - FNTMMSP), a new mining union in Piura negotiated two collective bargaining agreements (November 2010 and December 2012). The first CBA included an agreement to move 400 workers from temporary contracts to permanent, indefinite contracts. The union also developed an internal communications structure. In direct support to another collective bargaining process, SC provided assistance with communications and negotiations techniques that served the union at the bargaining table, and in discussions with the Ministry of Labor and Employment Promotion, which resulted in a bargaining agreement that covers more than 3,000 workers.

**Intermediate Result 4: Strengthen the capacity of union leaders to undertake effective union administration.**

**Result Indicator 4.1:** The SC project contributed to the election of 34 vulnerable workers to leadership positions in their unions.<sup>2</sup>

**Result Indicator 4.2:** Using the baseline data in the Performance Monitoring Plan gathered from partner unions, the SC project contributed to an increase in the number of participatory assemblies<sup>3</sup> about effective administration from 14 per year to 33 per year.

SC staff worked with partner unions to ensure that strategic plans developed in FY 2010-2011 were used as a basis for guiding project work. Some unions, with stronger and more active leadership, were more successful in implementing key parts of the strategic plans, such as actively affiliating new members. Others modified their plans to better reflect their needs. In addition, SC staff worked with unions that had not attended the strategic planning workshops and provided technical assistance to design strategic plans, implement them, and conduct review sessions. By demonstrating that the strategic plan is a good tool for visualizing a roadmap for their union, with the flexibility to modify the plan as the situation changes, unions are making advances in achieving the goals identified as priorities in their strategic plans such as growing their organization and affiliating vulnerable workers.

**CATP:** During 2011, the SC supported the Authentic Workers' Confederation of Peru (Central Autentica de Trabajadores de Peru - CATP) in organizing regional and national

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<sup>2</sup> Vulnerable workers are defined as women, youth and precarious, or temporary/open-ended contract employees, in the SC PMP.

<sup>3</sup> Participatory assemblies are defined as meetings convened by unions to discuss topics including accountability, resource management, elections, decision-making, and the inclusion of vulnerable workers, which are held in accordance with the union's statutes.

worker assemblies where delegates debated internal reforms to update their union structure, promote inclusion of new sectors, and incorporate youth and women into their structure. The ongoing consultations with the CATP, including the feedback from affiliate unions participating in the project, helped to shape the confederation's new Executive Board, which is comprised of 50 percent women and 40 percent youth. The new leadership of the CATP is taking the organization in a new direction and promoting the involvement of emerging leaders.

**CUT:** The SC supported the Central Unica de Trabajadores (Unitary Workers' Center, CUT) in the adaptation of its statutes using a participatory, decentralized methodology. Members debated the new statutes, which aim to promote greater union inclusion and democracy, during the CUT National Congress on November 25-26, 2011 by a group that included 86 men, 34 women and 17 young workers. The CUT's new statutes, which formally commit to the formation of national sector-wide unions, have allowed the national center to more effectively organize and represent subcontracted workers in the telecommunications and mining sectors who work under precarious conditions.

**Agro-Industry:** Sixteen vulnerable workers were elected to leadership positions in the agricultural workers' federation, FENTAGRO. The new federation also includes four female officers, two of whom are in the federation's executive council. Training sessions for the leaders of FENTAGRO by SC staff and CGTP leadership resulted in a new model for future trainings for newly elected officers. The federation has documented its meetings in writing and distributed them to its affiliate unions. In one session of the secretariat in January 2013, officers reported on their specific areas of responsibility, and there was a healthy debate on the need for a functioning dues system, the need to centralize case documentation, and the election of three subcommittees to be in charge of lobbying in Lima.

**Mining:** The mining federation, traditionally a male-dominated industry, elected its first women leaders. The mining leadership is reaching out to women and promoting their participation in union roles, including on health and safety committees. The mining federation also conducted democratic elections in 2012 and installed a new slate of officers that have taken on the issue of subcontracted workers. With its history of successfully reaching its goals, its success in this endeavor will have far-reaching implications for other sectors with large numbers of subcontracted workers.

An SC partner union from the mining sector that participated in intensive leadership training, collective bargaining and internal communications trainings conducted transparent and democratic elections in June 2012. In these elections, workers elected

the first woman to a leadership position and subsequently affiliated six women members.

### **Component 3: Unions in Networks and Advocacy**

**Intermediate result 5: Strengthen capacity of Peruvian unions to work in national and international networks and coalitions to advocate in favor of worker rights in public and employer policies.**

**Result Indicator 5.1:** The SC project contributed to an increase in the number of key actors that unions have strategic relationships with from 54 to 63.

#### **Improved Communications:**

Technical support on communications, including interview skills, messaging, developing relationships with journalists and the production of radio spots, enabled unions to help raise awareness and shape public opinion through media coverage on issues of strategic interest, including:

- The state of worker rights in Peru in the context of the 2011 presidential elections (journalist roundtable on the study and follow up interviews gaining media coverage);
- Voter education for workers the week prior to the second round of presidential elections (two radio spots, June 2011);
- Women's contributions to the economy and the importance of equal rights at the workplace and in society (four radio spots, April – June 2011);
- Expert roundtable to educate journalists on precarious labor and the need for a general labor law resulted in media coverage in 11 media outlets (November 9, 2011);
- Expert roundtable to educate journalists on worker rights in the agricultural sector, resulting in media coverage from 11 media outlets (November 30, 2011);
- Worker rights in the export-oriented agricultural and textile sector (four radio spots, ran from January– March 2012, including on the local government supported radio station in Viru, La Libertad);
- Press conference on textile and apparel workers' rights in Arequipa (July 31, 2012);
- TV and print media interviews given by agricultural worker activists trained in a series of SC communications workshops in La Libertad, Ica, and Lima.

The Agrícola Viru Employees' Union (Sindicato de Trabajadores de la Empresa Agrícola Viru – SITESAV), that participated in the first regional communications and advocacy

training, contributed to a press release with support from the SC on September 28, 2011 highlighting the union's efforts to advocate for fair distribution of profit sharing and the anti-union actions undertaken by their employer in retaliation.

Ica's regional agro-industry workers' federation, FRETSAI, held a press conference September 26, 2011, to present information on advocacy with members of Congress to reform the Agro-Export Promotion Law 27360. During the press conference, FRETSAI's general secretary presented the case of eight female employees who were exposed to harmful quantities of pesticide during their daily labor farming *granadilla* fruit on September 19, 2011. This press conference resulted in coverage on four television stations, three radio stations and two newspapers.

In addition, upon concluding the SC-supported communications workshop in September 2011, a leader from the Nestle Workers' Union developed an online network of trade union communications officers using Google Groups in order to provide a community of support, a forum for sharing experiences, and troubleshooting to workers and unionists new to the area of communications work. The Google Group has been used subsequently by unionists to share information that has helped strengthen contract enforcement and build shared identity among geographically distant unions.

The SC provided participants in communications workshops with a resource manual, which includes templates for interviews, press releases, membership bulletins, and a media register for local and national, and international press contacts.

**Transportation:** Driven by concerns raised during membership assemblies conducted throughout 2011, transportation workers entered into dialogue with Lima Municipal authorities regarding the need for worker protections in new transportation policies in November and December 2012. In Ica, the SIMEHICA motor-taxi union engaged municipal authorities to call for regulations that would legally recognize worker-founded organizations, and the formal role for transport workers in promoting organized transportation and passenger safety. SIMEHICA is currently participating in the Joint Technical Commission of Ica Municipal Province, where it can pursue its organizational objectives.

**Agro-Industry:** In the agriculture sector, SC supported activities helped workers develop their first advocacy strategy for amending the Agro-Export Promotion Law (Legislative Decree 27360), in October 2011. During subsequent months, the SC and partner confederation, CGTP, convened meetings of the regional federations, local unions, and eventually, the national agricultural workers' federation, FENTAGRO, to conduct and analyze education, media and advocacy actions taken at the local level

and coordinate strategies for the national level. This process resulted in a second version of the advocacy plan.

Following the goals established in the advocacy plan, SC union partners lobbied regional authorities and congressional representatives on their proposed amendments to the LD 27360 that would give them the same benefits that workers under other private sector contracts receive. This was accomplished through public education through media events, radio spots, media interviews, testimony before the Agriculture Commission of the Peruvian Congress (October 12, 2012), letter writing campaigns, and membership assemblies. In one example, a local union committee presented its case to the La Libertad Regional Labor Council, which issued a resolution in support of modifying Legislative Decree 27360. In a demonstration of how advocacy activities can support processes to increase internal organizational democracy, one workplace union held a membership assembly to vote on representatives in the aforementioned local union committee that conducted regional advocacy in La Libertad. In another example, on May 30, 2012, unions representing agricultural workers in La Libertad, Ica and Piura conducted coordinated advocacy actions, expressing the same message to their representatives in Congress, regional presidents, the local media and the community. As a result of all of these activities, agricultural workers were successful in achieving two draft laws out of the Agriculture and Labor Committees that would modify the labor articles of law when submitted to the plenary for debate; however, the lack of political will to implement the modifications has meant these efforts have not yet yielded improvements to workers' benefits.

The SC facilitated contact between Peruvian agricultural worker unions with their counterparts from U.S. food workers' unions, which helped the formation of strategic alliances that contributed to successful resolution of a collective bargaining agreement. The SC then put the local union in contact with officers of the International Trade Union Confederation in Washington, DC and the World Bank to use the labor conditionality in international loan agreements to advocate for full respect of worker rights regarding trade union freedoms and health and safety.

In one agricultural plantation where there are documented health and safety violations, including limited access to clean water, inadequate protective equipment, and fatal injuries due to the physical organization of work operations, a union conducted health and safety workshops with workers, to learn about the Safety and Health Law in February 2012. This training emphasized the creation of labor-management health and safety committee, and the identification of areas of risk to health and safety of employees. A year later, the union presented its official proposal for worker members to

hold an election for the bipartite health and safety committee, which is currently in process.

**Textiles and Apparel:** A March, 2012, textile forum helped trade unionists build coalitions and network with international organizations such as the Worker Rights Consortium, Social Accountability International, the Maquila Solidarity Network, the International Labor Rights Forum, and the U.S. Labor Education in the Americas Project, as well as representatives of apparel and footwear brands.

Peruvian textile and apparel companies, the international brands that purchase from them, U.S. and Peruvian government officials, and civil society stakeholders jointly developed an assessment of the challenges facing labor rights compliance in the sector and identified actions for each stakeholder group to take toward addressing these issues. Multi-stakeholder interest has contributed to ongoing discussion among brands, international labor groups and the U.S. and Peruvian governments of the need to update the non-traditional export (NTE) law.

The two federations representing workers in textiles and apparel developed a joint advocacy campaign to educate workers about their rights under the non-traditional export law, educate decision-makers about the effects of the NTE law, and coordinate with international and local allies. The organizations conducted joint strategy sessions, marking the first time in their history that both federations collaborated in the interests of workers in the sectors. As a result of their advocacy actions, both textile federations participated in hearings before the Labor Committee and the Committee on International Trade to make presentations on the current law and its effect on workers in relation to freedom of association, working conditions, and the right to bargain collectively.

Multi-stakeholder alliances made during the textile forum have resulted in Peruvian employers and the Ministry of Labor and Employment Promotion (Ministerio de Trabajo y Promocion de Empleo, MTPE) to take the issue of labor contracting more seriously, specifically reversing dismissals of unionized workers (such as the case of the Topy Top company), and making commitments to shift workers on short-term contracts to indefinite contracts in worksites where inspectors have found repeated violations of hiring law.

Workers in the textile and apparel sectors suffered a setback when the Peruvian government issued a supreme decree in August 2012 that limited the scope of the “prima textile,” which is a 10 percent addition to the base wages of workers in the textile and apparel sectors that was in effect since 1944. Following the decree, only a small number of workers in the textile sector, the majority of whom are men, are eligible for

the benefit. Both federations denounced the decree because it is viewed as discriminatory toward women, who comprise a majority of workers in these sectors, and will no longer be eligible for the compensation. The decision taken by the leaders of the two federations to challenge the constitutionality of the decree and its effect on women in the apparel sector is significant because it indicates that both federations are willing to work together to advance the interests of women in sectors traditionally dominated by men who have earned better wages and improved working conditions because they are more unionized.

**Mining:** Unity within the mining sector led to the enactment of a health and safety law in 2010, the implementing regulations in 2012, and the passage of the Complementary Pension Fund Law (Law 29741, July 7, 2011). It is important to note that the Mineworkers' Health and Safety Law paved the way for the passage of the General Workplace Health and Safety Law (Law 29783), which is more rigorous than the mining sector version, with regards to penalties for violations, and requirements for representative workers, and the role of unions in electing members and implementing bi-partite health and safety committees. The mineworkers' federation was instrumental in pressuring the government to issue the implementing regulations for the health and safety law enacted in 2010. Because of its institutional commitment to the issue and the number of accidents in the mining sector, particularly with subcontracted workers, the SC conducted health and safety workshops with mineworkers' unions. Training covered the obligations of both the unions and the employers in the election of health and safety committees and defined the duties of each.

The Mineworkers' Federation (FNTMMSP) prioritized the passage of the Complementary Pension Fund Law in the advocacy component of its strategic plan. Since its passage, employers have resisted its implementation, particularly in the case of subcontracted mineworkers who make up the bulk of many mine company payrolls. Based on successful experience with the health and safety law, FNTMMSP is implementing a regional and national level campaign to engage regional governments and key employers in an effort to prevent the reversal of this legal advancement.

Through SC-supported program activities, including international forums and technical exchanges, Peruvian mineworkers joined and played an active role in two global union networks. One of these networks contributed to a stronger union position in collective bargaining that took place in 2012, raising industry standards for other mineworker unions. Additionally, Peruvian local unions exchanged health and safety information with their North American counterparts with the goal of reducing workplace accidents, increasing compliance and promoting accountability in occupational health and safety practices.



Mineworkers used new skills in building increased relationships with media, environmental groups, and farmers. On November 9, 2012 SC partner unions conducted a town hall style meeting with concerned citizens and activists regarding the impact of mining on the environment and local concerns where participants debated the role of mining in Tacna's development. During the meeting, there was a rigorous discussion about the advantages and detriments of mining and the FNTMMSP's position on responsible mining. The meeting succeeded in creating a space where previously isolated actors began to listen to one another, and has sparked an initiative to have a similar meeting in Moquegua, which is an epicenter of the effects of mining on water and agriculture.

**Fishing:** In 2011 and 2012, in accordance with the sector strategic plan developed with SC technical support, the Association of Artisanal Fisherman (Asociación de Pescadores Artesanales) and three other unions that represent machinists, operators, motorists and large and small scale fishermen effectively advocated for the rights of small fisherman and right of Peruvian consumers to have access to healthy protein source (anchoveta), which resulted in the passage of Supreme Decree 005-2012-PRODUCE. During the advocacy process, fishermen formed alliances with community and environmental organizations to educate policymakers about the need to protect the shoreline, the public interest, and the interests of small fishermen.

## **2. IMPACT ASSESSMENT**

The Solidarity Center's project in Peru focused on strengthening workers' knowledge of their rights and unions' capacity to represent workers at the workplace and in broader policy making processes. The project provided groups of workers from targeted economic sectors with information on fundamental labor rights and economic literacy, and the technical skills needed to organize and bargain collectively. Communications and advocacy training provided the same group of workers with tools to document what happens when they exercise these rights, the forums to develop global support networks, the skills to design and implement policy reform campaigns, and the ability to increase public awareness about the worker rights situation in their sectors. Over the last three years, in key export-oriented sectors, the SC project has contributed to the development of more participatory, inclusive, and membership-driven unions at the workplace level and the creation of new union federations to represent workers at the sector level. These organizations are more effective counterparts for government, employers, international buyers and civil society stakeholders, and possess the skills and information to dialogue and make constructive proposals for strengthened labor legislation and labor rights enforcement. The advances in internal capacity, coupled

with new policy debates regarding stronger legislation and enhanced compliance, are helping to build a stronger framework for respect for labor rights in Peru.

It is helpful to highlight some sector-specific examples to illustrate the impact of the SC Peru project on union's representation and advocacy capacity. In the export-oriented agriculture sector, a core group of male and female agricultural workers from four different regions have organized five new unions over the course of the project, and negotiated contracting language that has moved some 4,000 workers from fixed-term to indefinite contracts, provided female workers with access to day-care, clear work rules for pregnant and nursing women, provided supplemental insurance for those engaged in high-risk work and established procedures for preventing and resolving labor-management disputes, among other gains. Active communication between activists from the agricultural federation, FENTAGRO, has enabled other unions to use these negotiating precedents in their own bargaining and representation of workers. While some advances have been made at the workplace level, farmworker activists maintain their campaign to reform to the Agricultural Promotion Law with members of Congress, the media and community allies. During the course of the project, SC partners have successfully obtained commitments from local and regional officials, as well as members of Congress, to support their campaign, have produced local radio programs and gained local, regional and national media coverage that presented workers' perspectives on the debate. In February, 2013, unions presented cases of workplace conditions to representatives of U.S., U.K. and European supermarkets alongside representatives of Peruvian producers, and proposed a national dialogue process as a means to address ongoing freedom of association, gender discrimination, transportation and health and safety issues in Peruvian export-oriented farms. The agricultural workers' unions still have a long way to go before they can address the needs of unrepresented workers in their sector, which remains largely not unionized. However, there is no doubt that workers in this sector have an increased capacity to represent workers effectively at the workplace and in policy forums as a result of the SC project.

In the textiles and apparel sector, SC partner Textile Workers' Federation of Peru (Federacion de Trabajadores en Tejidos del Peru - FTTP), used worker rights and economic literacy training to educate and organize apparel sector workers in Piura, Trujillo and Lima, to achieve an objective established in its strategic plan at the beginning of the project. The National Federation of Textile Workers of Peru (Federacion Nacional de Trabajadores Textiles del Peru – FNTTP) utilized trainings on the Procedural Labor Law to orally present facts on eight cases of anti-union dismissals, fraudulent contracting and unpaid benefits. Both federations participated actively in labor rights documentation efforts, and have presented summaries of specific cases to educate U.S. and Peruvian government officials, Peruvian employers, and international

brands on the effects of the Non-Traditional Export Law (NTE) and the need to strengthen the inspection function, and enforce judicial decisions. It is worth noting that the two federations undertook joint membership outreach to canvas members on their contracting situation and explain the campaign to push for derogation of the labor articles of the NTE law. Supported by project activities and technical assistance, the two federations are now active members of a multi-stakeholder network to end precarious contracting in Peru, which includes global apparel brands and international NGOs. As a result of effective grassroots campaigning by the two federations, other unions, and civil society organizations have incorporated the labor rights situation of textile and apparel workers into their arguments of the importance of decent work in Peru's economic development model to ensure the social and economic inclusion of Peru's working poor in export-oriented sectors.

In the mining sector, the mineworkers' federation FNTMMSP and key affiliates that represent some 15,000 subcontracted or outsourced mineworkers, adopted resolutions in their national congress to organize, educate and represent outsourced workers and advocate for their full inclusion in new policies, such as labor-management safety and health committees, the Mineworkers Pension Law and profit sharing. The SC project supported trainings with direct hire and outsourced mineworkers resulted in the democratic election of 25 labor-management health and safety committees. The inclusion of all workers in the health and safety committees is crucial because the vast majority of serious and fatal accidents occur with outsourced workers. A number of individuals that the SC has worked with during the project have been elected by their peers to lead with this new vision. For example, a SC-trained labor promoter was elected Health and Safety Secretary for the FNTMMSP in its November 2012 Congress. This individual has used the participatory education techniques that he learned in SC activities with mineworkers, and is scheduled to conduct workplace trainings with agro-industry workers in June 2013. Training mineworker activists like this young leader is a contribution to the broader labor movement because young, open-minded leaders have great potential to lead unions that are responsive to the needs of their members, while being outward looking and inclusive. The SC project led to the consolidation of a new mineworkers' union in northern Peru, and the active participation of two unions in international networks, comprised of unions from the U.S., Mexico, Canada and Brazil. One Peruvian union that is participating in these international networks has identified alternative production practices that will prevent workplace accidents, and has presented them to management for consideration.

The SC project generated a labor rights documentation tool that was used by unions and paralegals to document 65 labor rights cases from 14 different sectors. The SC and partner local NGO PLADES used analysis of these cases to develop a set of

recommendations about how to strengthen administrative and judicial enforcement functions, which were presented to the National Labor Council and the Directorate of Fundamental Rights in the Peruvian Ministry of Labor and Employment Promotion. Case analysis led to another equally rich set of recommendations regarding steps unions can take to strengthen their own labor defense actions, for example, requesting the next level of labor inspections after the first favorable finding that is not enforced, and using the three-step inspection process as facts in a judicial case. The main lasting impact is that this labor rights documentation tool will continue to be used by unions after the project has ended, both in fundamental labor rights trainings, which contain a simplified version of the form, as well as in the USDOL-supported project.

The sectors that emerged as key partners in the project, and the particular labor rights challenges facing workers in precarious contracting situations, have been integrated into the broader labor movement's collective priorities. After three years, the country's main national labor centers have incorporated textile and apparel and agro-industry workers' policy advocacy priorities into their national action platforms. In early 2013, a member of the Peruvian Congress called for a popular referendum that would place legal reform to the two regimens in plenary debate in the Congress. There is currently a national debate regarding the relevance of labor regimens that were designed to temporarily promote a sector's growth that have now become core elements of how these industries define their competitiveness. This is a lasting, direct contribution of this project. Workers in these sectors, and in others covered by the project, now have strengthened internal capacity to educate their peers, plan strategically, organize and collectively bargain in defense of their fundamental rights. Nevertheless, there are still strong challenges that workers and unions face that prevent the full realization of their role as partners in building a culture of labor compliance, such as employer resistance to trade unions, labor legislation that promotes temporary and short-term contracting, and limited institutional capacity to enforce existing labor legislation.

### **3. ANALYSIS OF PROJECT DESIGN, LESSONS LEARNED, AND RECOMMENDATIONS FOR FUTURE LABOR CAPACITY-BUILDING PROJECTS**

#### ***1. It is important to develop a monitoring and data collection methodology that is not overly complex and considers partner reporting capacity.***

Taking into account the USAID mission's strategic objectives and intermediate results, the results framework was designed to capture program results on a country-wide level. Detailed results indicators were developed for each objective, and included a set of performance indicator reference sheets that established objective, verifiable information sources. The majority of the data came from SC partners and from SC activity data

collection forms. While efforts were made to provide partners with standardized forms and guidelines for collecting and reporting data, it was difficult to gather timely data and to ensure accuracy, consistency and quality. It became necessary for program officers to fill out the data collection forms with the partners jointly through telephone and face-to-face interviews. Data collection and quality issues are exacerbated by physical distances, and by different degrees of intensity of program accompaniment at different phases of the program.

It was particularly difficult to document and monitor worker age and employment status (precarious versus stable employee), which the SC PMP tracked to measure composition of union membership and leadership positions. The participant registration forms include this data for SC-held workshops, so it was possible to track this data for SC activities; however, union membership rosters do not typically include this data. This reveals an area for future internal capacity building work with unions, which will help unions know the demographics of their membership better, and target representation activities accordingly.

## ***2. It is important to develop joint criteria with partners to determine direct project participants.***

Solidarity Center staff faced constraints in determining which workers would attend training sessions. Often, despite requesting that participants sent to activities have the capabilities to replicate the training and the potential to become strong leaders, upper-level union leadership selected participants based on their own criteria, which did not coincide with the SC criteria. The SC mitigated these negative effects by incorporating workers who distinguished themselves during trainings, rights exercise, or were recommended by workplace-level leaders into trainings and developing these individuals as promoters. The SC continued to face the challenge to diversify participating workers, and to develop women and youth as promoters and new leaders. This was particularly the case due to the economic sectors that are the focus of the program, such as fishing, textiles, mining, wood and transportation, which have majorities of male workers. Nonetheless, there are important institutional shifts that demonstrate progress in the right direction, including the election of women workers into leadership positions, the incorporation of sectors like the apparel sector, and the inclusion of women and youth in education, organizing and advocacy activities. Because these are the beginnings of a process to address historical underrepresentation of these groups of vulnerable workers, it is likely that they will continue to be well below desired participation numbers in the remainder of the project. The SC will consider sector selection in future program design in consideration of this lesson learned.

***3. Institutional capacity building and the construction of a culture of labor rights compliance is a gradual and intensive process.***

The project activities provided an opportunity for grassroots trade unionists to learn new methods of performing core union functions, as well as to reach out to other unions and within their communities to identify common goals and work together for change. The challenge for the Solidarity Center is ensure that the learning is sustained to promote social and economic change. SC staff learned that by following up with program participants after activities, there was an increased likelihood that the learning was put into practice. This was not possible after every activity because of limited staff and time. Follow-up was done with a small number of participants who remain actively involved in their unions and recognize the need to change the traditional culture and perception of unions in order to become more effective organizations.

***4. Promotion of labor participation in tripartite social dialogue is most effective when conducted as part of an effort that is already underway and already prioritized by the union.***

While there is certainly a benefit to training broader groups of workers selected by geographic area or economic sector in the principles and practice of social dialogue, there is much greater value when a labor support organization can target this training to smaller groups of organizations that are in engaged with their employers and the state in an effort to address specific labor practices or reform proposals.

***5. The involvement of international actors, including allied organizations and multinational brands, can provide important weight to compel social dialogue in a way that the state alone is not generally able to achieve.***

In spite of a Peruvian national policy that promotes social dialogue, the failure of the National Labor Council to generate consensus on any single issue of importance to employers or workers requires assessment. Difficulties in generating momentum for social dialogue at the regional level are not surprising given the lack of positive examples at the national level. However, when one adds different actors into the mix, particularly those who have influence over investment, orders, or public image, this brings local actors together in new and productive ways. This was the case in the export-oriented agriculture and textile sectors, where international forums (convened by the Ethical Trading Initiative and the SC, respectively) were the first time that unions engaged directly with Peruvian employers regarding systematic workplace violations as well as proposed reforms to labor legislation.

**6. *International labor networks, comprised of unions and labor support organizations from different countries, require time and repeated opportunities to meet and dialogue in order to produce meaningful results. New communications technologies facilitate these networks, but do not replace face-to-face interaction.***

Project activities to support the development of new networks should bring groups of international actors together several times over the course of a project to develop the trust necessary for the construction of shared agendas, exchange of accurate information and joint advocacy. This approach has born fruit in the case of a multi-national mineworkers network, where toward the end of the project, Peruvian unions shared health and safety information with their international counterparts that will enable joint advocacy with their employer. Similarly, in the case of the textile sector, more than one year after the international textile forum, unions, allies and representatives of international brands are in regular contact, are updating strategies for involving Peruvian employers, including a brand-led training with their suppliers, scheduled for July 2013. In cases where the SC brought together Peruvian unions with their international counterparts on only one occasion, it did not result in a sustainable network.

**7. *Strategic alliance building requires mutual commitment and patience.***

What the SC may consider to be a strategic opportunity may not be a priority for or visible to a partner. Strategic planning and power mapping analysis helps unions to prioritize their objectives, and visualize what they will need to do and with what resources to advance them; technical support and advice to unions can also assist in analyzing opportunities and developing priorities. This was natural for some organizations; for instance, in the case of fisherman unions and the league for consumer interests in Chimbote, the two groups advocated jointly for the Artisanal Fishing Law. In other cases, such as the mineworkers or telecommunications workers unions, which have natural allies in community members and consumer organizations, unions required intense training and the involvement of SC and local NGOs before they would approach representatives of other organizations or coordinate with sister unions from the same sector. It became important to assist unions in this new approach and in building new relationships slowly, to avoid becoming an imposition from above.

**8. *To support the development of new skills, such as speaking to the media, or use of a new tool, such as rights documentation form, it is essential to train partners in the new skill, provide them with the opportunity to try out the skill, provide some level of support in that process, and then analyze results with partners.***

This learning cycle was very clear after the training of union promoters in the economic literacy and fundamental worker rights curriculums, where promoters gained confidence by having SC staff present when they conducted their first round of trainings. Similarly, technical training on how to present information to the media provided a very important orientation to workers, but equally or more important was the opportunity for them to try this out on their own, record their own interviews with workers, and then bring these skills to an interview with a journalist with a communications specialist. After the interview, the communications specialist and the worker reviewed the experience, and the resulting media coverage to gauge the clarity and strength of the information presented.

***9. When developing a tool to document labor rights violations, it is important to keep in mind the user profile throughout the design process.***

The SC developed a comprehensive labor rights documentation form, including all types of rights violations, and the entire spectrum of possible administrative and judicial actions an individual or group can take. This tool was effective when being used by paralegals or trade unionists with significant legal experience. Through the process of training partners on the tool, SC staff realized the general lack of basic knowledge or institutional experience in case management, and therefore, that there was a relatively small group of individuals within any given organization that can use the tool to its potential. For future use of the tool, the SC developed a simplified version which can be used as an original intake form by anyone who has access to the basic facts of a labor rights case, and then in a second step, a federation-level or outside legal advisor will assume responsibility for filling out the full labor rights documentation form and updating it with new defense actions and results of these actions. While it is clear that unions, federations and confederations appreciate the case analysis and recommendations, it is not clear whether they have the capacity to analyze this data on their own, or whether this function will need to be conducted by national support NGOs, the Ministry of Labor, or others.

***10. When developing a group of union promoters, it is very helpful to hold activities with workers from different sectors who live and work in the same geographic area, as this contributes to sustainability and peer support for exercising new skills.***

Peer mentoring networks that formed between unionists from different sectors and confederations proved to be the key to follow-up actions, such as follow-on economic literacy and fundamental rights workshops (in one case, fishing and agriculture promoters worked together). In another case, gathering together worker promoters from different sectors by confederation helped to generate synergies where unionists with more experience in one topic, in one case, safety and health training, provided



training and technical advice to agriculture sector unionists as they initiate their own safety and health committees in La Libertad.

**11. *Centralizing individual union data into one sector or federation-specific register would be a very useful tool to assist international labor support organizations, confederations and federations to monitor and evaluate progress on building institutional capacity.***

The SC learned that it would be very useful to have a register of all existing collective bargaining agreements, with start and end dates, to help unions remember when they have to begin preparations for new negotiations. This also applies to union statutes, which establish period of tenure in office, dates for elections, and statutory assemblies. Although we were not able to successfully complete the development of these databases during the USAID project, the SC has incorporated this lesson learned into the activities for the new USDOL project.

**12. *When selecting partners and scope, less is more.***

The SC USAID-supported project focused on 11 sectors from four different confederations. The project design required strategic planning and follow-up internal union capacity building, economic literacy, and fundamental rights training for representatives of all 11 sectors, in addition to support for advocacy priorities. The sheer number of workshops and follow-up meetings for this number of sectors left less time to conduct the intensive technical assistance that helps to bring about real personal and institutional change. By the second year of the project it was clear which partners were interested and capable of engaging actively in the process with SC. This self-selection, combined with annual program planning meetings and quarterly review sessions, allowed SC Peru staff to adapt and adjust the program to respond to a reduced number of key sectors. The results of the project highlighted in the previous section largely reflect the achievements of workers and unions in these sectors.